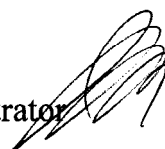


COUNTY OF YORK

MEMORANDUM

DATE: September 2, 2005 (BOS Mtg. 9/20/05)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Application No. UP-682-05, Faith for Living Deloris Borum Ministries

ISSUE

This application requests a minor modification of a Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to authorize an extension of the expiration date for a use permit authorizing establishment of a transitional home located at 124 Goodwin Neck Road (Route 173) approximately 700 feet east of its intersection with George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 24-171.

BACKGROUND

On October 21, 2003, the Board approved an application for a Special Use Permit to permit establishment of a 5,300-square foot transitional home on the noted property. Pursuant to Section 24.1-115(c)(1) of the Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established. A use is considered established if all necessary foundation work has been completed and construction work is continuously and diligently pursued under a valid building permit. Funding issues have delayed the project such that construction will not commence within two years of the date of use permit approval. The applicant has therefore requested a one-year extension of the use permit expiration date.

Section 24.1-115(d)(2) of the Zoning Ordinance states that the Board may approve minor modifications to the conditions of an approved and currently valid special use without a public hearing provided that the following four criteria are met:

- There will be less than a 25% increase in either total lot coverage or floor area;
- There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;
- Nothing in the currently valid special use permit precludes or limits such expansion or enlargement;
- The proposal is consistent with the Zoning Ordinance and the Comprehensive Plan.

This request meets these criteria and is therefore being processed as a minor amendment. Such amendments do not require prior review by the Planning Commission.

CONSIDERATIONS/CONCLUSIONS

The proposed transitional home is to be located on a 1.83-acre parcel to be subdivided (via a lot line adjustment) from abutting property containing the existing Faith for Living Outreach Center Church. The facility would be constructed in conjunction with a proposed expansion of the church. There is an existing small single-family dwelling on the property that would be removed or demolished prior to development of the facility.

In spite of delays caused by funding problems, the project is moving forward. The Development and Compliance Division granted site plan approval for both the transitional home and church expansion on June 3, 2005, and applications and plans for building permits have been submitted to the Building Regulation Division, and are currently under review.

RECOMMENDATION

If this time extension is denied, the applicant will be required to apply for a new use permit, including public hearings and Planning Commission review, in order to construct the transitional home. Since the factors contributing to the approval of the original use permit application (proximity to existing residences, parking, landscape buffers) have not changed, I do not believe this will accomplish anything other than place an unnecessary burden on the applicant. The request for an extension appears reasonable, and I recommend that it be approved. This may be accomplished through the adoption of proposed Resolution No. R05-159.

Carter/3337/AMP

Attachments

- Vicinity Map
- Copy from approved site plan
- Letter from Deloris L. Borum, Executive Director, Faith for Living Deloris Borum Ministries, Inc.
- Approved Resolution No. R03-168R
- Proposed Resolution No. R05-159